THE HON'BLE SRI JUSTICE L. NARASIMHA REDDY

WRIT PETITION No. 26245 of 2005

Dated 9th December 2005

Between:

Smt.Waheedunissa Begum

… PETITIONER

AND

The State of A.P. rep. by the Secretary,

Roads and Buildings Department, Hyderabad & others

… RESPONDENTS

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O R D E R:

The petitioner states that she is the owner of the premises bearing D.Nos.2-1-108 (ground floor) and 2-1-109 (first floor) situated in Adilabad town. Her grievance is that the respondents have marked substantial portion of the said premises for the purpose of widening of the road, without initiating any proceedings under the Land Acquisition Act, 1894, for short 'the Act', or any other provisions of law.

Heard the learned counsel for the petitioner and the learned Government Pleader for Roads and Buildings.

Before any private property is taken over, for the purpose of widening of the road, the

concerned authorities are under obligation to initiate proceedings under the Act. They can also undertake negotiations with the owners of that property, and can acquire the same with their permission, subject to agreed conditions. The possession of the property of an individual cannot be taken over, without following the procedure prescribed by law.

Hence, the Writ Petition is disposed of, directing that the respondents shall not demolish any portion of the building of the petitioner, or otherwise interfere with the same, except by initiating proceedings under the Act. There shall be no order as to costs.

9th December 2005

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